

## **SUMMARY MINUTES**

**BUILDING ADVISORY BOARD  
P.M.**

**TUESDAY – NOVEMBER 14, 2006 – 4:00**

**ROOM 107, CITY-COUNTY BUILDING**

**Members Present:** Bob Haworth, Les Appleby, Jim Manley, Dallas Bruhl, Kenny Hancock, Vernie Stillings

**Members Absent:** Rick Walters, Bob Dolan, Steve Barnett

**Staff Present:** Mike Roberts, Sue Cline, Mike Schrage

**Audience Count:** 4

Meeting was called to order by Bob Haworth, Chairman, at 4:03 p.m.

### **(A) Approval of October 10, 2006 minutes**

**MOTION:** Vernie Stillings moved to approve minutes as written

**SECOND:** Kenny Hancock seconded the motion

**DISCUSSION:** None

**VOTE:** 6-0 – motion carried

### **(B) Discussion of the requirements of IBC sections 406.2.6 and 903.2.9 with regard to floor slope and fire sprinkler requirements for parking garages.**

Mike Roberts presented staff report, which contained four items. The board addressed each item separately.

#### **Agenda Item B, Sub- Item 1 (automatic sprinkling systems in parking garages):**

During the Board's review of the IBC, staff had identified that the new code would carry many more built-in incentives for fire sprinkler systems as well as broadening the instances in which the installation of a sprinkler system would be mandatory. One of those mandatory requirements is found in Section 903.2.9. This section requires that "an automatic fire suppression system must be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 or where locate below other groups." An exception to this section allows commercial garages for trucks and buses to be up to 5,000 square feet before sprinkling is required. Repair garages are governed by a separate section and are allowed to be up to 10,000 square feet in multiple story buildings and 12,000 square feet in single story buildings before a sprinkler system is required. However, there is no minimum size threshold that triggers the requirement for sprinkling an enclosed parking garage that cannot be classified as a group U private garage and does not exceed 3,000 square feet. The IBC Commentary implies that the intent of the provision was not to require fire sprinklers for buildings less than 12,000 square feet since parking garages are inherently less dangerous than repair garages. However, we have confirmed from discussions with technical consultants from the International Code Council that regardless of intent, the current code

language is specific and a sprinkling system would required in every enclosed S-2 parking garage, no matter how small.

These same requirements appear unchanged in the 2006 IBC. However, the technical consultant that we spoke with from ICC informed us that the code writers have finally identified the inconsistency and a code change to the 2009 code has be proposed, reviewed by committee and approved. It is currently in the public comment period to the general membership and if it is not challenged, it will automatically pass. It would then appear when the 2009 code is published. The following language is the code change that has been proposed and is under review;

**903.2.9 Group S-2.** An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages where one of the following conditions exists:

1. the fire area exceeds 12,000 square feet,
2. where located beneath other groups.

**Exception:** Enclosed parking garages located beneath Group R-3 occupancies as applicable in Section 101.2.

**903.2.9.1 Commercial parking garages.** An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m2).

Staff would recommend that the Board consider a similar amendment to our local code to rectify what we perceive to be an inconsistency in the code.

Questions of staff by the board:

The board asked for definitions of S-1 and S-2 parking garages. Mike Roberts answered. The board asked if this would apply to private uses. Mike Roberts indicated that it would not; the distinction for private garage usually means residential use. Mike Roberts also clarified some other definitions and the requirements of the UBC (the previously adopted building code) and how that compares to the current IBC code.

Questions or comments from the public: None

Back to the board for action

**MOTION:** Kenny Hancock moved to adopt code language as presented in the staff report, as follows:

**903.2.9 Group S-2.** An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages where one of the following conditions exists:

3. the fire area exceeds 12,000 square feet,
4. where located beneath other groups.

**Exception:** Enclosed parking garages located beneath Group R-3 occupancies as applicable in Section 101.2.

**903.2.9.1 Commercial parking garages.** An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m<sup>2</sup>).

**SECOND:** Les Appleby seconded the motion

**DISCUSSION:** No further discussion

**VOTE:** 6-0 motion carried

**Agenda Item B, Sub- Item 2, Part 1 (sloped floor issue):**

Another new code requirement that applies to these types of buildings is in regard to the floors. The building code has previously required that the floors in areas where motor vehicles will be parked or stored must be of concrete or some similar noncombustible, nonabsorbent material. The intent of this requirement is to prevent the accumulation of fuels, oils, hydraulic fluids, etc., in the ground inside of a building. A paved surface provides a means of detaining these materials until they can be cleaned and removed. The IBC added a new provision that now says "The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway." The IBC commentary says that the intent of the provision is that the floor must be positively sloped to prevent the accumulation of any spilled flammable and combustible liquids and their vapors to minimize the risk of the vapors building up to a point where a fire condition could result.

In larger buildings, this presents several design challenges if the floor is required to be sloped very much, even at a very minimum standard that would "facilitate the movement of liquids". Lesser slope would be more acceptable with fuels than for liquids with a higher viscosity such as oils and hydraulic fluids which would need more slope to facilitate their movement. In addition, the Kansas Department of Health and environment has expressed concerns with regard to this requirement, as the intent would be for these materials to drain untreated to the outside of the building where they could cause ground contamination. It is also evident that unless an incident occurred such as the rupture of a fuel tank, that minor fuel leaks would evaporate before they would reach the door of the building unless the slope of the floor was great enough to accelerate the velocity of the liquid. There is some validity to the premise that forcing the liquid (fuel) to move is better than allowing it to puddle or pond because it will dilute the evaporating vapors to a lower ignitable level as the liquid is forced to cover more surface area. However, that assumes once again that there is enough of a leak that mere evaporation from a flat surface would not offset the significant accumulation of any flammable liquids.

We have learned from the same ICC technical representative that there had been a code change proposal with regard to this issue as well and that the proposal had achieved the same status as the fire sprinkler change. The proposed code change would eliminate the sloped-floor requirement. Staff would recommend that the Board consider a similar amendment to our local code as follows;

**406.2.6 Floor surface.** Parking surfaces shall be of concrete or similar noncombustible and nonabsorbent materials.

**Exception:** Asphalt parking surfaces are permitted at ground level.

~~The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway.~~

This same requirement is also found in section 406.1.3 related to private garages and carports and in sections R309.3 and R309.4 of the International Residential Code (IRC) which regulate residential garages and carports. Staff would recommend a similar amendment to these sections to provide consistent application. We would also recommend a further clarification to the IRC language of these sections. The current language reads as follows;

**R309.3 Floor surface.** Garage floor surfaces shall be of **approved noncombustible material**. The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway.

**R309.4 Carports.** Carports shall be open on at least two sides. Carport floor surfaces shall be of **approved noncombustible material**. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.

**Exception:** Asphalt surfaces shall be permitted at ground level in carports.

The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway.

The IBC language specifically references that the surface must be of concrete or similar noncombustible, nonabsorbent material. It is clear that the intent of the IRC is that the surface must be some kind of pavement as it would not be possible to slope gravel to meet the drainage requirement. If the Board agrees to recommend an amendment to remove the slope requirement, staff would recommend that the IRC language for the floor material requirement be amended to read the same as the IBC.

Questions of staff by the board: None

Questions or comments from the public: None

Back to the board for action.

**Mike Roberts** did clarify that this amendment would apply to both International Building Code (IBC) and the International Residential Code (IRC).

**MOTION:** Kenny Hancock moved to eliminate the requirement in the IBC and IRC as specified in the staff report regarding sloped floors and therefore amend the code to not require sloped floors in both the IBC and IRC code. The code language as follows would be deleted.

The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway.

**SECOND:** Vernie Stillings

**DISCUSSION:** None

**VOTE:** 6-0 motion carried

**Agenda Item B, Sub- Item 2, Part 2 (paving floors of garages):**

**MOTION:** Les Appleby moved that parking surfaces of all garages and carports shall be of concrete or similar noncombustible and nonabsorbent approved materials.

**SECOND:** Dallas Bruhl

**DISCUSSION:** None

**VOTE:** 6-0 motion carried

**Agenda Item B, Sub- Item 3 (floors in S-1, S-2 occupancies accessible to motor vehicles)**

Staff would further propose another amendment to the IBC section. The requirement for the paved floors is predicated on the use of the space being used to park vehicles. This means that if someone wanted to build a storage building for another storage use besides vehicles, it would not necessarily have to have a paved floor. However, it seems to staff to be unreasonable to believe that anyone other than the building's original owner would know that vehicles could not be parked inside of a building if it did not have a paved floor. It seems to be an allowance that puts a large number of people in jeopardy of being in violation of our codes because they simply do not know that the act of parking a vehicle in a building without a paved floor is a code violation. With that condition in mind, staff would like to recommend the following amendments;

**311.1 Storage Group S.** Storage Group S occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy. Floors in S-1 and S-2 occupancies that are accessible to motor vehicle traffic must comply with section 406.2.6 of this code.

**406.2.6 Floor surface.** Floor surfaces accessible to motor vehicles shall be of concrete or similar noncombustible and nonabsorbent materials.

Questions of staff by the board:

**Kenny Hancock** asked why we would care whether it's gravel or not.

**Mike Roberts** explained that the building code historically has required paving wherever motor vehicles will be parked – the intent being that this will prevent build up of flammable liquids from the motor vehicles.

Public comments or questions:

**Mike Flory, Salina Homebuilders** stated that there are a number of old garages in residential area and asked if there would be a trigger via a building permit to require paved floors to be constructed in existing garages.

**Mike Roberts** indicated that if someone was replacing windows or re-roofing there would not be a requirement to pave the floor, but maybe if they were doing a full rehab on the garage then the floor paving requirement might apply.

**Mike Flory** asked if this would apply to ag use buildings.

**Mike Roberts** indicated that some discretion would probably be applied for those types of buildings.

Further public comment: None

Back to the board for action or further questions/comments:

**Kenny Hancock:** stated that perhaps we would want to consider size and whether or not an overhead door could be installed but the building would still be too small to park a car or vehicle.

**Jim Manley:** stated that he does not think this requirement is reasonable. If a current owner constructs an accessory building with an overhead door and does not intend to park a motor vehicle in it, he should not be required to pave the floor. If a future owner of the property decides to use that building to park motor vehicles he would be in violation of the code.

**Kenny Hancock:** stated that he somewhat agrees with Jim Manley, but still thinks maybe a limitation on size might be a good idea

**Les Appleby:** stated that maybe a 200 sq. ft. limitation on accessory buildings before a paved floor requirement would apply.

**Kenny Hancock:** stated that he does not think it's fair to restrict an owner who truly does not plan to use the building for motor vehicle storage and would be in favor of placing a square foot maximum allowable on the S-1, S-2 buildings.

**MOTION:** Kenny Hancock moved to recommend that the floors of any S-1, S-2 buildings greater than 200 square feet and accessible to motor vehicles to be paved.

**SECOND:** Dallas Bruhl

**DISCUSSION:** None

**VOTE:** 5-1 motion carried (Jim Manley voted to deny the motion)

**Agenda Item B, Sub- Item 4, Appeal by Mark Augustine, Triplett, Inc.**

Mike Roberts presented the staff report, as follows:

Finally, staff has been asked to request a discussion regarding the merit of another possible amendment to these particular requirements. The strict application of the technical requirements of these sections would require that the floor surface in an open structure such as a pole shed would have to be paved if the area is intended for the parking or storage of motor vehicles, including motorized recreational vehicles. A local developer has suggested that this requirement is overly restrictive and inhibits the development of affordable rental storage for motorized RVs. They have asked the Board to consider creating a niche for this kind of use through a local amendment of these code requirements. As previously stated, it is clear that the intent of the paving requirement in these types of storage areas inside of buildings is to prevent the accumulation of flammable and combustible liquids within the building. The provision is designed for property preservation of the building, as well as for the protection of fire responders, but not necessarily for the protection of the building occupants. The question that the developer would like the Board to consider is whether or not the lower intrinsic value of an open structure with little to no walls in conjunction with the benefit of greater ventilation to prevent the potential of the build-up of flammable vapors is a reasonable cost-benefit trade-off to relax the code requirements for this application. If an exception to this requirement is determined to be desirable, staff would suggest that the Board would need to address the following questions in crafting limitations to the exception;

1. Should there be any limitation on the size of the structure before paving is required?
2. Should the exception be limited to buildings of noncombustible construction or should it include buildings of combustible construction as well?
3. Should the exception apply strictly to recreational and pleasure vehicles, or should it be more inclusive of other types of motor vehicles and equipment such as commercial buses or tractor trailers as well?
4. How open should the building be, and where should openings be located?

Staff would also suggest that if an amendment for this section is approved, then the requirement to amend the IRC section related to carports in **Item #2** should be reevaluated to similarly consider not requiring paved floors for these structures.

Following the staff report, Mr. Haworth asked if there were any questions or comments by the board of staff.

**Jim Manley:** How open is open? Does that mean no walls?

**Mike Roberts:** There would be some walls. In this particular ...

**Kenny Hancock:** A third of the way down, something like that...

**Mike Roberts:** You know, I would probably suggest that the board direct those kinds of questions to the applicant and see what their specific application is and then from there you

could broaden your discussions to more general discussion about what kind of requirements you would recommend.

**Bob Haworth:** Because sometimes it's three walls open on the front....and a roof on the top...so we will go ahead and bring this item to the applicant for comment and presentation.

**Mark Augustine, 148 Mt. Barbara, Triplett Inc.:** There for a minute I thought we did this backwards, but you did a nice job Mike. Why is this important to our business? This is important to our business because it is our goal to provide economical RV and boat storage to the citizens of Salina. It is our opinion that the code interpretation would increase our cost of bringing this product to market. We're currently in the process of developing a site. We currently own 440 N. Ohio and we bought some ground behind Orscheln's for this purpose

*(he stepped away from the microphone to pass out some photos, some comments were inaudible)*

The blue area there is the area that we are proposing to develop into covered RV, boat and 5<sup>th</sup> wheel type storage. We researched this product with Dean Andrew before we bought the property because it is below the base flood elevation. One of the things that we talked to him about is how do we put a building on that property without raising the elevation of the ground. We discussed that with him and determined that if we built a building and allowed the water to flow through – probably like 3 foot around the base of the building – that it would meet the flood requirements and we'd be able to place a building on that site for this purpose. So, we went ahead and purchased the ground from Orscheln's and as we were developing this site plan with our architect we stumbled into this hard surface requirement that we didn't know about. I guess I would like to show you what we currently have that we provide our customers

*(he stepped away from microphone to pass out more photos- inaudible comments as he passed out pictures)*

That's a picture of a building that we have there at 440 N. Ohio that we currently provide rent space to boat owners, 5<sup>th</sup> wheel owners, RV type customers that are looking for an inexpensive way to store their vehicle. I'd like to share with you some data to support why we think this is a very sensitive market and why we think we serve the market well with this particular type of product. We did a survey with our existing customers and asked how important is it to have pavement in this space and 80% of them said not important. And then we asked the question would you be willing to pay more for a hard surface inside that unit and 84% said no. Then we asked how important is it to have it fully enclosed and 70% of them answered not important and when asked if they would pay more rent 53% said no they would not. I might add that today, currently, about 70% of our customers choose to store outside in the air, so they just choose outside storage to get their recreational vehicle off of their residential property. We've been doing this approximately 15 years and today we have not had an incident with a fire or some type of issue with combustible liquids. I brought some pictures along of some units that were vacant to kind of illustrate that point

*(he stepped away from the microphone to pass out more photos – some inaudible comments)*

As you notice there I think we had 3 or 4 units vacant and in only one did I find a slight oil leak after 15 years. I just did that survey about a month ago when we did our QPR meeting. We would suggest that boats and RV stored in neighborhoods have more of a potential hazard than in our type of product that we're serving the marketplace with – they could potentially become playhouses for children, they restrict vision for traffic, they virtually eliminate setbacks between houses. One more set of pictures to illustrate that point...

*(he stepped away from the microphone to pass out more photos – some inaudible comments)*

As you review those pictures you can see that all those things I mentioned except for the children – we didn't find any children playing in them – but basically have the potential of those other issues that we visited about. I also took the time to call the City of Wichita and I talked to Curtis Bowen and Randy Sparkman and they have exempted RV / boat storage from being classified as a parking garage; thus eliminating the need for a paved floor. They did that by just simply stating that if the vehicle was intended to be stored there for greater than 72 hours it was commercial storage and so paved floors did not have to be installed in that building. Without a local variance on this code requirement for commercial storage the cost to provide covered RV/boat storage we project would increase by 50%. Our opinion is that our design creates a low risk with a well ventilated building and in the case of a fire allows the fire department to easily assess the situation – they can drive up there – they can see where the fire is and take care of it. In addition to that the only thing you have at risk is some property – you don't have any lives at risk as you would if it was parked next to another residence. We think it creates a safer environment for our community. Does the paving actually reduce the risk of fire? Will increasing building costs of commercial RV/boat storage actually have unintended consequences by keeping most RVs in our neighborhoods? I guess those are a couple questions on the bigger picture of what we are dealing with today - and we believe that by not having to meet the paving requirement we can take this product to market a lot cheaper and provide a service to our citizens and allow them to store with us. I would be happy to answer questions.

**Jim Manley** – Will these units just be open on one side?

**Mark Augustine** – Correct, and to meet the base flood elevation requirement that we talked about with Dean Andrew, we would probably leave the side walls up (open) about three feet.

**Kenny Hancock** – The back and sides?

**Bob Haworth** – But that wouldn't necessarily be the issue in approving something....not everybody is going to be building a building like this where there's a flood area to where they would have to bring it up three feet, so we wouldn't want to necessarily have that restriction...

**Mark Augustine** – So, the question would be – would the front of the building provide enough ventilation – Mike Roberts and the Fire Department answered that and Yes, they thought it did.

**Mike Roberts** – Excuse me, I disagree – we were in agreement that raising the side walls to provide the cross ventilation would meet the requirement to ventilate that area and keep it free but to have it fully enclosed on three sides and only open on one side would not meet the intent.

**Kenny Hancock** – Well right now you can park – you can rent storage space outside – can't you?

**Mark Augustine** – Right....We have three properties that we currently just have graveled and people choose to store outside there.

**Kenny Hancock** – From an ecological standpoint, KDHE, there's really no difference is there from a pavement standpoint whether it's parked outside in open air versus having a roof over it? Does anyone see that there's any real difference in those two from a contamination standpoint?

**Mike Roberts** – From an ecological standpoint – No

**Jim Manley** – What is this 72 hour thing that you were quoted from Wichita?

**Mark Augustine** – The City of Wichita allows this type of storage to be unpaved and they exempted it by saying that if it's meant for commercial storage such as what we're providing that they wrote in their code, as I understand it, I didn't get it in writing; they exempted that by stating that if the intention is for the vehicle to be stored there for greater than 72 hours that it is commercial storage and that the paved floor..

**Jim Manley** – Well if it's commercial storage, doesn't that push it into a different category?

**Mark Augustine** – I can't answer that – What I did – I'll reiterate what I asked them when I called them up – I simply asked we're interested in building covered RV/boat storage in your community to store RVs, 5<sup>th</sup> wheels, so on....Do you require the area inside the building to be paved and they said no and I reference the code that Mike had given me and they said they exempted that with the 72 hour classification.

**Kenny Hancock** – Mike could you expand on the 72 hours thing?

**Mike Roberts** – The only thing I can expand on – as I mentioned before, parking garages are a category of an S-2 warehouse and apparently the City of Wichita has passed a local amendment to say that storage of an RV unit for more than 72 hours constitutes storage rather than parking. It's no longer parking any more it is storage and so consequently by being storage instead of parking – actually they defined parking as 72 hours and that requires the paving and anything more than 72 hours is storage so you don't have to pave.

I haven't seen the amendment myself but unless it's specifically geared to pleasure vehicles – RVs and things like that – you would have to say well, if you parked your truck in there more than 72 hours I'm storing it and not just parking it.

**Mark Augustine** – I don't have that specific information either.

**Kenny Hancock** – Although in practical terms 5<sup>th</sup> wheels, RVs, boats – those tend to be parked for 72 hours or more – and more than a truck or my old Corvette would be.

**Mark Augustine** – I might also add that only about 30% of our customers actually have a motor vehicle – a vehicle that has a motor in it – stored in there. Most of them are 5<sup>th</sup> wheels and boats. Thank you.

**Bob Haworth** – Thank you. Are there other comments or questions by the board? Hearing none, we will bring this item back to the board for action.

**Kenny Hancock** – You have four questions here that are pretty straight forward – maybe I would suggest that we take a look at those four and try to break it down in small pieces and have discussion on each of those four items.

**Mike Roberts** – Before you proceed, I just want to make one other comment. I touched on this briefly as did Mark (Augustine) – This question is not – the paving in the floors in any property is not a life safety issue but rather is a property preservation issue. I think that Mark is suggesting that because of the openness and the ability to fight the fire that the property preservation issue is not paramount here. He also made a comment that I also wanted to speak to – Does it increase the risk or decrease the risk of fire in this particular application. It might decrease the risk of fire from ignition if we're talking about fuels. It's not going to affect anything if we're talking about oils, because a fire is generally not going to start because the openness of the structure would prevent, in most instances, the vapors building up to a point that they would be ignitable through a spark or cigarette. So, in that limited application I would agree that it might decrease the risk of fire. The larger question is that if you have spills soaked into the ground would it contribute to the fire once it got started. We're back to the cost benefit ratio – Is the amount of safety that's provided in property preservation by the addition of a paved floor reasonable to waive in this instance for the reasons that Mark has suggested.... And is the intrinsic value of the structure as a whole going to be enhanced or protected that much more by the addition of the impervious floor? I guess that's the question philosophically that the board should decide first – whether it's even reasonable for that off set to occur before you start discussing whether – maybe – you even want to discuss what it would look like....first the board needs to decide whether it's reasonable to even consider the appeal.

**Kenny Hancock** – Well, I personally think it's reasonable to consider the appeal.

**Bob Haworth** – I thin it's very reasonable to consider the appeal. I don't see with it being open that adding a concrete or gravel floor is going to decrease the possibility of combustion.

**Dallas Bruhl** - I think we would have to include those guidelines though in a proposal to always maintain an open side – at least one or two sides.

**Bob Haworth** – At least one – the three foot rule – having walls that have to be three feet high – I just don't personally see where that would need to be a clause, too. I think three closed sides would still be reasonable, with an open front.

**Kenny Hancock** – I would agree. Question 3 – should it apply to recreational or pleasure vehicles? I don't think it should – somebody might have an old car whether it's a collector car or not – it might just be an old car that they attached to that isn't necessarily a recreational vehicle and I think that should be allowed. Commercial buses or tractor trailers – I'm a little less firm on that – it's probably going to be self regulating – I doubt if anyone is going to – they're going to require a lot larger facility to park a commercial bus or tractor trailer than what we are seeing in the photos.

**Dallas Bruhl** – I guess something that concerns me is that we just passed a motion to require that any garage over 200 square feet with a door would have to be paved, so what's to keep a guy from saying that he is going to leave his door up all the time, so he should not have to be required to pave the floor.

**Kenny Hancock** – Well, that's a good point. I think the issue is that on these structures, there is no garage door, it is just open all of the time – there is no choice of whether to leave it open or close it. Secondly if he's going to park – in practical terms – if he's going to park a boat in there I would personally have no problem with it but his car – he's probably going to get in that and drive it and that 72 hour thing – now that you've explained it – probably does make a little bit more sense. It's not in storage if it's not there at least 72 hours; it's simply a vehicle being temporarily parked.

**Mike Roberts** – My observation about the 72 hour thing seems a little artificial to me because if the intent is that you don't want the fluids leaking from the vehicle and getting into the ground – whether it's parked there for 72 hours or more. If I pull in and out every 72 hours, the potential for the fluids being leaked there is the same as it would be if I left it parked there for more than 72 hours.

**Kenny Hancock** – Actually, they're not – once you leave it in park the leak event is going to stop, but if you pull it in and out the expansion and contraction from heating up the vehicle and the fluids itself – that's what actually causes the leak, so you're going to allow different leak events to occur every time you pull in and pull out.

**Bob Haworth** – Do you think we could come up with a reasonable motion at this point?

**Jim Manley** – I still have some concerns about contaminating the soil. Whether it's enclosed or open you're still going to have some contamination. It seems a little hypocritical to me to let a building with one side open – I recognize that there will be more airflow and will allow for evaporation – but you're still going to have some contamination of the soil, which is one of the main reasons it's required to be paved in the first place.

**Dallas Bruhl** – I would have to agree with you Jim. One of the things I see in these pictures – You have a lot of pull behind campers and those would not be an issue, but if you've got 20 or 30 motor homes in those storage units you have a potential for a major leakage of fluids.

**Bob Haworth** – Why don't we ask the applicant to respond to that.

**Larry Triplett** – My name is Larry Triplett. I was the previous owner of the company; this is my son-in-law that spoke to you earlier. You asked about contamination from leakage – nothing has anything to do with penetration of the ground. As far as 35 motor homes being inside I think there's something like 38 spaces that are in those buildings right now and you can see the motor home population in there right now and I think there's only 5 or 6 out of that 38. We're going to have 35 units – so that'll never happen – the trailers are the more popular thing so that's going to outdo the motor home. It's also going to be diluted by the number of boats, so you're not going to have near the concentration that was proposed here.

**Bob Haworth** - Do you have storage where you've got outdoor open storage – for cars trucks, things like that.

**Larry Triplett** – Yes, we do.

**Bob Haworth** – And your request is for this new facility to also be used for storage of cars, trucks, pick ups?

**Larry Triplett** – We will get one in every once in a while...and most of that stuff is in the antique vintage – somebody is trying to save it for restoration – it's not an overnight parking garage by any means – that would be ridiculous. I wouldn't say that it doesn't happen that somebody would come in to pick up their motor home and leave their truck or car – that will happen on occasion. But whether inside or outside – if that's what you're worried about – it's still going to leak. It's still going to pollute the ground whether it is in our facility or at their home it's still going to pollute. I think one thing that wasn't dwelled on enough – if you'll look at those pictures we distributed – some of the motor homes are right up against the homes. If in fact combustion was the problem – it's going to light up that house – that house is typically made of pretty combustible material versus metal buildings and now you've got life and property at risk, which you don't have in our buildings. You eliminate the loss of life situation.

**Bob Haworth** – Any further questions

**Dallas Bruhl** – Are the buildings you construct all metal?

**Larry Triplett** – They are pole barn construction. They do have wooden poles. They can be built out of metal, but I don't know that a pole is all that much better of a situation. I don't think the material is going to go up, but if you get a hot enough fire metal melts. I don't really see that as a problem. You're either going to have these motor homes inside or outside. Salina had a program here about 5 or 6 years ago and a lot of my customers referred to it then as the Triplett law where they were trying to get all of the motor homes off of personal property and store them commercially. I never had anything to do with that law and after being in the business I was accused of it. The big issue was price; there are so many motor

homes out there that give a lot of pleasure to low income families that can't afford to bring it in and store it in a building. The less cost we put on a building the more apt they are to bring their motor home to store and lessen the dangers of storing it at their home. If you look at some of those vehicles parked in driveways, there's some of them that have to get 6-8 feet out into traffic to see traffic because they've got motor homes parked right on the driveway clear out to there street. It is a considerably safer environment to store them in this building than to store them at home.

**Bob Haworth** – Any other questions of Mr. Triplett? All right – thank you.

**Jim Manley** – Mike, the current code requires enclosed storage buildings to have a paved floor. Why do you think that requirement is in there – is it because of the contamination of the soil or is it because of a fire issue?

**Mike Roberts** – First of all I want to clarify that it is not just in enclosed areas. It is in any area in an open or enclosed area where a motor vehicle is parked is required to have a paved floor. Again, the intent of the building code is not so much to address the environmental contamination issue as it is to prevent the stock piling of combustible materials in the ground that would be source contributors to a fire incident. I don't believe it was ever the intent of the code to specifically address this requirement as a contamination prevention requirement – I think it was intended to be a property preservation requirement.

**Kenny Hancock** – When it's attached to a home, life safety is certainly a part of it, too. If there would be a fire in an attached garage due to storage of a motor vehicle then that would likely spread to the house and affect life safety.

**Mike Roberts** – Correct

**Bob Haworth** – So in reality we have to be careful how this is passed. If this is for commercial application, open storage, but if this was attached to a building off to the side and it's open storage – that would be allowed unless we said that it had to be a detached free standing structure.

**Mike Roberts** – That's correct.

**Bob Haworth** – Or separated by the appropriate fire walls?

**Mike Roberts** – Yes.

**Jim Manley** – If we approve this, why would we limit it to just motor vehicle homes. It seems to me that we would want to approve it so it would apply to any type of vehicle.

**Kenny Hancock** – Yes, I agree. I am saying that we shouldn't just limit it to motor vehicle (RV type) homes.

**Jim Manley** – So would the building have to be completely open on one side?

**Bob Haworth** – Yeah, that's the way we've been talking here.

**Kenny Hancock** – In my mind it would.

**Bob Haworth** – Yes. You'd have to be separated with either a fire wall if it was attached.

**Jim Manley** – Dallas is right – we need to set some general guidelines to what we are approving.

**Bob Haworth** – Correct. If we want it non-combustible or combustible, but typically structures like this would be built with some combustible materials.

**Kenny Hancock** – Well, I wouldn't be in favor of making it a requirement to be non-combustible.

**Les Appleby** – I think what we might want to take a look at – I could be wrong – Are these poles classified as heavy timber. If we get into heavy timber the fire classification would be different for those. I don't know if the manufacturer of your buildings has that kind of information, because there is a difference between just timber and heavy timber.

**Kenny Hancock** – Well a Morton type building uses wood and they're treated with, I don't think it's **penta--????**, I think it's copper sulfate or something. It changes the fire rating on the....

**Mike Roberts** – Actually the Morton buildings are using laminated treated poles for the portion in the ground. When they get up above the ground level they laminate untreated lumber for those posts, so it's not that the entire post is treated, it's only those sections in the ground. That is true in the larger buildings and they're not using dimensional lumber any more – they're using laminated poles.

**Kenny Hancock** – Okay

**Bob Haworth** – Are there other questions.

**Mike Roberts** – You have all made some good points about combustible versus non-combustible...the only observation I would make is that a combustible building not only supports the fire, it lends to the spread of a fire. If there is a fire event in a localized area it will cause failure probably to metal joists but it won't spread beyond that area, but if you have combustible construction so once the fire gets started it can feed itself through the combustible members of the structure of the rest of the building, which is why combustible buildings are not allowed to be built as large as non-combustible buildings.

**Kenny Hancock** - What about the limitation of size?

**Bob Haworth** – That's already in the codes.

**Kenny Hancock** – Is that covered by the codes?

**Mike Roberts** – The area is limited by the assumption that the building is going to be built with all the components that the code requires, prescriptively. For example if the allowable area without area increases for an S-2 is 12,000 sq. ft. that assumes that the building is being built to all the code requirements for property preservation meaning that it has a paved floor. That's why we ask the question – if you're going to remove that – then you're reducing a little bit of the safety because now you are going to perhaps allow for some stock piling of combustibles in the area under the roof, so is there any thought to limiting the size of that or is it not important?

**Jim Manley** – How big is your building?

**Larry Triplett** – 40' by 216', I believe, 8,640 square feet. If you've got any kind of a fire at all underneath the vehicle more than likely the gas tank is now going to become at risk and I'm not sure that you wouldn't, if that gasoline tank comes apart, you would probably have less of a fire in an absorbent floor than a non, because whenever it's on a hard surface and you blow that gas tank apart, it's going to go everywhere because it can't be absorbed so you may put 20 vehicles at risk, where you could have it down to one or two. I think an absorbent floor has its pros and cons versus one that doesn't absorb. You take a gas tank that leaks, that gasoline is going to go everywhere if it's not a sloped floor and if you do slope a floor then it's just in one direction – it doesn't mean that it doesn't go the other way away from the slope. Anytime you get an impervious floor you're going to spread that liquid and from my stand point you're going to make it worse – not better. There is one other thing about enclosed versus un-enclosed from a life stand point, property stand point; we haven't discussed propane and most of those 5<sup>th</sup> wheels and campers have propane on them....much better off in a ventilated area than an enclosed building.

**Mark Augustine** – On your size question - I'm not for sure what we have there, what the length is, but we would like the ability to build up to at least 12,000 square feet.

**Bob Haworth** – Are there other questions?

**Kenny Hancock** – Have you talked to any surrounding cities like Wichita, Topeka about details – like these four questions in the staff report?

**Mike Roberts** – We haven't polled any of our peer communities to see what they have done or are doing. It seems to be the RV exception, in Wichita. I don't know if it's primarily targeted for RVs or if it's any kind of vehicles as long as it's parked there for more than 72 hours.

**Kenny Hancock** – Probably this is not an issue, but how do you monitor how long something is parked there for that length of time – you really don't right? Whoever is going to rent this is going to use it as a storage unit – they're not going to use it for a garage, but I supposed it's possible.

**Dallas Bruhl** – Mike, are there any fire codes that you are aware of that address the issue of that many campers or that much propane in close proximity.

**Mike Roberts** – Yes, there is the potential, even in appropriately sized containers there's still a maximum aggregation of the amount of those containers that you could have in any one square foot of area. I don't believe given the spaces that we're talking about here that you would ever exceed that with the propane bottles that would be stored on the number of motorized RVs that might be stored in that area.

**Kenny Hancock** – Even if every one of those stalls had the largest motor home available stored in it, you probably would not exceed the allowable amount of propane. I doubt it. Larry did make a good point – natural gas dissipates – propane doesn't. It just sits down and hugs and in an enclosed building it's just going to build from the floor up, so it is a good point.

**Dallas Bruhl** – Is this something that we have to make a decision on today? Can we do a little more research on this?

**Kenny Hancock** – Well that's the reason I was leading up to maybe we should poll some peer communities to see what they do before we draft or make any kind of a motion.

**Mike Roberts** – The board can reserve judgment on it at this point. Certainly, staff is not the driving force. This is an appeal and there may be some timeline concerns of the applicant. You can take time to craft an amendment that you are comfortable with. I also want to remind the board that any recommendations you make regarding a code change would be forwarded to the City Commission for their consideration and action.

**Kenny Hancock** – And because of that I think it would be a good idea to research and do our diligence so that hopefully it just goes to the City Commission one time.

**Mike Roberts** – Certainly staff can poll our peer communities to see if they have done anything similar to Wichita or if they are enforcing the requirements as they are currently contained in the code.

**Bob Haworth** – Could staff do a study and bring it back to the next meeting? This study would need to include definition of open storage and whether or not they have a requirement for paving of the covered areas.

**Kenny Hancock** – That's essentially it. I think it's a reasonable exception – my only issue is with size and some of the other details. The basic premise of whether it should be an exclusion – I agree that there should be or could be an exception in the code. I think we're all in agreement on some of the things, but there are some other things we should know before we make a final recommendation.

**Bob Haworth** – I think we need to get the facts and have our findings of fact before we make a recommendation to the City Commission.

**Kenny Hancock** – We could make a decision today, but I am concerned that the Commissioners would want more information and then that would just delay this further.

**Bob Haworth** – Is there a problem delaying this? (addressed to Mark Augustine and Larry Triplett)

**Mark Augustine** – Yes there is a time table that we would like to meet. But you know better than we what the best method to go about that is. I would just like to state that the issues that we presented here today – I really think our common sense approach to building a low cost project for the community is a good thing. But there again there are some other issues that if you're not comfortable addressing today then we certainly respect that and appreciate the opportunity to table this item for further research and then come back for further consideration.

**Kenny Hancock** – How big is the building you are proposing? The picture you showed us is one that is 40' by 216" – is that the size of the one you are going to build?

**Mark Augustine** – No, I don't have that scaled out – I don't have that memorized. I think those units are 12 foot apart. We've been working on this for roughly six months, so we'd like to get a decisions but we also understand what needs to be done.

**Jim Manley** – How close are you to Orscheln's?

**Mark Augustine** – We're directly behind them.

**Kenny Hancock** – What's the separation? I think that's what Jim is asking.

**Mark Augustine** – We'll have to meet whatever the setback requirements are there. We proposed to build as close to the property line fence as we can.

**Kenny Hancock** – How far away is their building from that fence?

**Mark Augustine** - Oh, probably fifty feet at least.

**Kenny Hancock** – Okay

**Bob Haworth** – So, would the board be in agreement to direct staff to do a study?

(board members indicated that they agreed)

**Bob Haworth** – Okay, we will continue the discussion of this appeal at the next regularly scheduled meeting.

**(C) KDHE request for increased involvement regarding local dissemination of lead-safe work practices information**

Mike Roberts presented the staff report (*included in these minutes*), which included what the city is currently doing in partnering with KDHE to communicate the requirements to the contractors, and also included what KDHE is now asking the city to do regarding adoption of

an ordinance and further submittal documentation related to the lead safe requirements prior to approval of a building permit.

Tom Langer with the Kansas Department of Health and Environment presented background about lead safe practices and the Kansas State Statute detailing the requirements for contractors and the suggested ordinance language that KDHE is requesting to be adopted by the City of Salina. Highlights from his presentation included emphasis that this is not a request for enforcement but rather a request to partner in getting the word out to contractors and help them meet the requirements of the law.

Mr. Langer answered questions from the board.

Mr. Roberts did clarify his interpretation of the KDHE request and said that it would be an enforcement issue if the City Commission adopts an ordinance.

**MOTION:** Jim Manley moved to approve a recommendation to adopt an ordinance which would require written submittal by the contractor to confirm that he has met the KDHE notification requirement prior to being able to obtain a building permit.

**SECOND:** Kenny Hancock

**DISCUSSION:** Dallas Bruhl expressed some concern about how much more work this would entail on behalf of city staff. Some discussion followed indicating some concerns about the enforcement components of administering this requirement. Mr. Roberts indicated that there would be some impact to staff in order to administer these new requirements. Mr. Roberts indicated that he wanted to be sure the board understood what it would mean to the builders to have to get the written notice from their customer.

**VOTE:** 6-0 motion carried

#### **(D) Other Business**

Mr. Haworth reported on the City Commission study session of October 23, 2006 regarding contractor licensing and concerns the board has with some opinions expressed at the study session by City Commissioners. Mr. Haworth proposed presenting a letter to the commission prior to the meeting in which they will be considering the proposed ordinance for contractor licensing. The board members agreed and a committee of three was appointed by Mr. Haworth to draft a letter for consideration by the board membership at the Dec. 12, 2006 meeting.

**MOTION TO ADJOURN:** Mr. Haworth adjourned the meeting directly at 6:47 p.m.